

THE ATKIN FIRM, LLC

Formed in the State of New Jersey

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

STRIKE 3 HOLDINGS, LLC,

Plaintiff,

v.

YEE MOY a/k/a EDDIE MOY,

Defendant.

Case No. 2:18-cv-14128-WJM-MF

**CERTIFICATION OF
JOHN C. ATKIN, ESQ.**

JOHN C. ATKIN, Esquire, of full age, states:

1. I am an attorney-at-law in the State of New Jersey and a member of the The Atkin Firm, LLC, counsel for Strike 3 Holdings, LLC (“Strike 3” or “Plaintiff”) in the above-captioned matter. I make this certification based on personal knowledge in support of Strike 3’s motion for an extension of time within in which to effectuate service of process in this matter on Defendant Yee Moy a/k/a Eddie Moy (“Defendant”), pursuant to Federal Rule of Civil Procedure 4(m).

2. This is a copyright infringement case against a Defendant originally only known to Plaintiff only by an IP address.

3. On September 20, 2018, Plaintiff filed suit against Defendant, asserting claims of copyright infringement, pursuant to 17 U.S.C. § 101, et seq. [ECF No. 1].

4. Pursuant to Federal Rule of Civil Procedure 4(m), Plaintiff was originally required to effectuate service of process on Defendant no later than December 19, 2018.

5. On October 11, 2018, Plaintiff filed a Motion for Leave to Serve a Third Party Subpoena Prior to a Rule 26(f) Conference in order to serve a third party subpoena on Defendant's Internet Service Provider ("ISP"). [ECF No. 4].

6. On December 13, 2018, the Court granted Plaintiff's Motion for Leave to Serve a Third Party Subpoena Prior to a Rule 26(f) Conference in order to serve a third party subpoena on Defendant's ISP. [ECF No. 5].

7. On December 17, 2018, Plaintiff issued a subpoena to Defendant's ISP, which was returnable on January 7, 2019.

8. On December 18, 2018, Plaintiff filed its First Motion for an Extension of Time Within Which to Effectuate Service of Process. [ECF No. 6].

9. On January 8, 2019, the Court granted Plaintiff's First Motion for an Extension of time Within Which to Effectuate Service of Process, extending the deadline to effectuate service to March 8, 2019. [ECF No. 7].

10. Plaintiff received the ISP response on or about January 17, 2019 and conducted a further investigation to assist in determining whether the individual identified by the ISP is the appropriate defendant for this action prior to attempting to effect service of process on that individual. Plaintiff ultimately determined that the individual identified by the ISP was the infringer of Plaintiff's copyrights.

11. On March 8, 2019, Plaintiff filed its Second Motion for an Extension of Time Within Which to Effectuate Service of Process. [ECF No. 8].

12. On April 2, 2019, the Court granted Plaintiff's First Motion for an Extension of time Within Which to Effectuate Service of Process, extending the deadline to effectuate service to April 22, 2019. [ECF No. 9].

13. On April 22, 2019, Plaintiff filed its First Amended Complaint. [ECF No. 11], and requested that a summons be issued by the Clerk of the Court. [ECF No. 12].

14. Plaintiff respectfully requests that the time within which it is required to effectuate service be extended an additional thirty (30) days from the return date of this motion, to June 19, 2019. This extension should allow Plaintiff sufficient time to effect service on the named Defendant.

15. This motion is made in good faith and not for the purpose of undue delay.

16. This is Plaintiff's third request for an extension of time within which to effectuate service of process.

17. Plaintiff respectfully submits that none of the parties will be prejudiced by the grant of this extension.

18. I certify under penalty of perjury that the foregoing is true and correct.

Dated: April 22, 2019

By: /s/ John C. Atkin, Esq.
JOHN C. ATKIN